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TEXT OF DRAFT IRANIAN CONSTITUTION PUBLISHED

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[Text] The draft constitution was published on Thursday afternoon under the headline: "Full Text of the Draft Constitution of the Iranian Islamic Republic." This was supposed to have been made available to the media by Dr Yadollah Sahabi on Friday afternoon. Following is the draft constitution as reported by KEYHAN:

## Chapter II: General Principles.

Principle 1: The type of government to be established in Iran is that of an Islamic Republic as set forth following the victorious Islamic revolution and in accordance with the results of the referendum of 30-31 March 1979, which recorded a 98.2 percent affirmative vote.

Principle 2: The society of the Islamic Republic will be a monotheistic system based on a genuine and searching Islamic revolution. It will be supported by human values and generosity to reflect man's responsibility for himself and the fundamental role of virtue in his growth. It will stand as the negation of any type of discrimination and any form of cultural, political or economic domination. It will also incorporate the use of beneficial scientific and cultural developments to achieve complete adherence to all divine precepts of Islam.

Principle 3: The plebiscite [ara'e omumi] shall constitute the basis of the government. This is in accordance with the commandments of the Koran to: "Consult them about the affairs" and "command them to carry out their dealings through consultations." The affairs of the country shall be resolved through councils elected by the people, within their qualifications, and in the manner specified by this law and subsequent laws pursuant to it.

Principle 4: The Islamic Republic of Iran, in establishing a monotheistic society, will base its political, social and economic relations on the spiritual and moral principles of Islam.

Principle 5: We will heed the sublime verse: "O ye people, we have created you male and female and we have made you into groups and tribes that ye might mix one with another; verily, the worthiest of you in the sight of God is the most pious of you." Following the principle of this verse, people of all nationalities--Persian, Azarbayjani, Kurdish, Arab, Baluchi, and Turkoman--will enjoy completely equal rights. No one shall have any distinction above another, except through piety.

Principle 6: In the Islamic Republic of Iran freedom and independence will be inseparable. No individual, group, official or religious authority has the right to do the least damage to the independence and the territorial integrity of Iran in the name of freedom. Nor does anyone, in the name of safeguarding the independence and territorial integrity of the country, have the right to deprive anyone of the freedoms of belief, expression, or to enact laws and regulations for this purpose, unless state of war exists.

Principle 7: The Islamic Republic of Iran views as its ultimate object the well-being of man throughout the human community. [paragraph continues]

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It recognizes the right of all people everywhere to achieve independence, freedom and to establish governments based on truth and justice. Therefore, while abstaining from any domineering interference in the internal affairs of other nations, the Islamic Republic of Iran nonetheless supports the legitimate struggles of the oppressed against their oppressors.

Principle 8: The Islamic Republic of Iran, by fully observing the economic principles of Islam, will promote native agriculture and industry, and, at the same time, will make use of all the advanced science and technology in the world. But in doing so it will be fully conscious of maintaining the political and economic independence of the country and of preventing our society from becoming dependent, in any manner, upon other societies. Equally, dealings with other societies does not necessarily imply acceptance of the social order governing those societies.

Principle 9: Everyone is entitled to work and to reap the benefits of his work. No one can deprive others of the opportunity to work or of employment in the name of official ownership and in pursuance of his own work. The opportunity for work and labor should be available to all in such a manner that no one can be subjected to the exploitation of others.

Principle 10: The Islamic Republic of Iran should provide equal opportunity for all its citizens to obtain education and training so that everyone can, according to his ability, enjoy the benefits of education and training, as well as advancement and the blossoming of his potential, in a way that limited opportunities will not create obstacles on the path of personal progress.

Principle 11: The family is the basic unit of the revolutionary society of Iran. Laws should be enacted to provide a firm foundation for marriage, which should be based on a mutual sharing of beliefs and interests [al-*alagh*]. In formulating these laws, the interests of the family shall take precedence over the interests of each member of the family. The relationship between the man and the woman should be based upon purity, piety and sublime human values rather than upon superficial materialism, vanity or lust.

Principle 12: Considering that the rearing of children is the duty of the parents, and that in childhood it is particularly the duty of the mother, the education and training of girls will therefore be regarded as one of the nation's top educational priorities. Family laws should provide mothers with material and spiritual opportunities so they can attend with peace of mind, to the highly valued maternal duties that are entrusted to them in the Islamic revolutionary society.

## Chapter II: The Official Religion of the Country

Principle 13: The official religion of Iran is Islam and particularly the Ja'fari sect, to which the majority of Muslims in Iran belong. Other Islamic sects, including Zeydi, Hanafi, Jaleki, Shafe'i and Hanbali, are also valid and are to be respected. In the regions where the Muslim followers of these other sects are in the majority, regional regulations will be based upon the tenets of these sects within the framework of the authority of the councils. However, in personal practices and with the context of religious education and training, each Muslim in any part of Iran may act according to his own Islamic sectarian beliefs.

Principle 14: Zoroastrians, Jews and Christians are recognized as official religious minorities in Iran. They are free in their own religious practices and shall act in accordance with their personal religious beliefs and training.

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Chapter III: The Right of National Sovereignty and the Powers Pertaining Thereunto

Principle 15: The right of national sovereignty belongs to all and should be used in the interest of all. No individual or group can monopolize this divine and public right or make use of it to serve his personal or group interests.

Principle 16: The powers arising from the right of national sovereignty are: the legislative power, the judicial power, and the executive power. These powers shall always remain independent of each other, and, according to this law, the link between them will be provided by the president.

Principle 17: The implementation of the legislative power will be through the national consultative assembly, which will be composed of the elected representatives of the people. The bills adopted by the assembly will be communicated to the judicial and executive branches after being signed by the president. In important instances involving the destiny of the country, or on matters involving very important economic, political and social issues, the legislative power can be expressed through referendums and direct plebiscites.

Principle 18: The implementation of the judicial power will be through the courts of justice, which must be formed according to Islamic principles. The courts will deal with claims and their settlements, as well as with the protection of public rights and the administration of Islamic justice.

Principle 19: The implementation of the executive power will be through the president and the Council of Ministers.

Chapter IV: The Official Flag, Language and Script of the Country.

Principle 20: The official flag of Iran shall consist of green, white and red colors with the special insignia of the Islamic Republic.

Principle 21: Persian [Farsi] is the common language and script of the Iranian people, and all official texts and correspondence must be in this language and script. However, the use of local languages will be allowed in local schools and in the local press.

Chapter V: Civil Rights

Principle 22: All citizens of the nation, whether men or women, are equal before the law.

Principle 23: People's beliefs, honor, life, homes and professions are to be respected and are immune from any encroachment, unless prescribed by law.

Principle 24: Postal correspondence and telephone conversations are immune from inspection and tapping. Divulging telegraph and telex communications, refusing to communicate them and inspecting them by tapping are forbidden, unless prescribed by law.

Principle 25: The press is free in the publication of material and in the expression of views, except in the publication of material contrary to the public morality or insulting to religious precepts; libel; accusations; statements slandering the honor, dignity and integrity of individuals; and the spreading of lies. [paragraph continues]

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The law shall determine offences committed by the press and define the nature of their punishment. It shall also determine the proper manner for dealing with such offences.

Principle 26: The formation of political parties and groups, and religious, political and professional associations is free and unrestricted, provided such parties and groups do not violate the principles of national independence, freedom, sovereignty and unity, and provided they do not contradict the basis of the Islamic Republic. The participation of individuals in these associations is free and unrestricted, and no one can be prevented from participating in his chosen religious, political or social groups or forced to join any one of these groups.

Principle 27: The right of peaceful assembly is free, and regulations concerning the holding of meetings and marches in streets and public squares shall be set out by the law.

Principle 28: Every person has the right to choose the profession he wishes, provided it is not in contravention of Islam or the public interest.

Principle 29: The right to benefit from health care, medical treatment or unemployment, old age and disability insurance is a public right, and the government is required to provide these insurance schemes for all the individual members of the country through the use of national revenues. Farmers, workers and low-income groups will have priority access to these benefits.

Principle 30: The citizenship of individuals can be withdrawn only when another country has granted them naturalization. Foreign nationals may also be granted Iranian citizenship through naturalization within the framework of the national laws.

Principle 31: Everyone has the right to access to the competent courts in order to seek justice. And no one should be prevented from gaining access to a court that has been set up according to law to pass judgment and be sent to another court.

Principle 32: Everyone is held to be innocent and no one will be declared guilty until his guilt has been proven by a competent court.

Principle 33: Sentencing for punishment and the execution of such a sentence must be in accordance with the law.

Principle 34: No action can be regarded an offence, either through omission or commission, unless it has been previously so defined in the law.

Principle 35: No one can be arrested except on the basis of a warrant issued in accordance with and in the manner prescribed by the law. Once an arrest has been made, the nature of the accusation and the reasons for the accusation must be communicated to the accused in no more than 24 hours.

Principle 36: The use of physical and psychological torture to obtain confessions is forbidden. Forcing people to give evidence is not permissible, and such evidence or confession, including coercion to take the oath, is null and void. The punishment for violating this principle will be prescribed by law.

Principle 37: Injury to the dignity and honor of a person who has been arrested, imprisoned or exiled according to the law is forbidden in any shape or form and is liable to punishment.

Principle 38: No Iranian can be banished from his place of residence, deprived of residence in his chosen place or forced to reside in a particular place, unless so ordered by law.

Principle 39: No right can be used for purposes contrary to the principles and the objectives for which it has been ordained.

Principle 40: Private ownership that has been acquired through lawful means will be respected. The limitations of private ownership will be defined by law.

Principle 41: No owner may be deprived of his property in the name of public need, unless so ordered by law and unless fair compensation is paid.

Principle 42: Everyone has the right, within the limits defined by law, to be protected and to enjoy the material and spiritual rewards of his scientific, literary, artistic and industrial work.

Principle 43: No one can construe the pursuit of his own rights as a means to injure others or to violate public interests.

Principle 44: No arable land can be laid waste without due justification. The rules for the implementation of this principle shall be prescribed by law.

Principle 45: The use of arable land for nonagricultural purposes is forbidden unless the need to do so is prescribed by law.

Principle 46: Underground, marine and mineral resources, as well as forests, woods, rivers, other public waters, waste land and pastures, and public property. The methods for their administration and utilization shall be prescribed by law.

Principle 47: Private ownership and industry, agriculture or commerce that might result in damage to or encroach upon the public interest shall be nationalized with the approval of the national consultative assembly.

#### Chapter VI: Legislative Power

##### Part I: The National Consultative Assembly

Principle 48: The National Consultative Assembly [Majlis] shall be composed of national representatives who will be elected directly by secret ballot. Bills approved by the majority of deputies are binding on the whole nation. The conditions governing the election of deputies and voting procedures shall be defined by law.

Principle 49: The period of tenure in the National Consultative Assembly is 4 years. The election of members for each session must take place prior to the end of the outgoing session, so that the Islamic Republic will in no circumstance remain without an assembly.

Principle 50: The number of deputies in the National Consultative Assembly will be 270. After each decade, in case of an increase in the population of the country, for each increment of 150,000 people, one extra deputy shall be allocated to each constituency. The country's Zoroastrian and Jewish populations shall elect one deputy each and the Christians shall elect two deputies. Should the population of each of these minorities increase, one extra deputy shall be elected for each 150,000 increment in population. Regulations governing elections shall be prescribed by law.

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Principle 51: Prior to the official opening of the assembly the deputies shall take the following oath and sign it:

"I, the signatory of this document, swear by God Almighty, the holy Koran and on my own honor to safeguard the fruits of the Islamic revolution of the Iranian nation and the principles of the Islamic Republic and faithfully and honestly to protect the trust placed in us by the nation. I swear to execute my duties as a deputy piously and to devote myself to insuring the independence and the progress of the country, and to protecting of the rights of the nation. I also swear to defend the sanctity of the constitution and to refrain from saying, writing and expressing any opinion contrary to the independence of the country and freedom of the people." (Religious minorities shall take this oath by swearing to their own holy book).

Principle 52: The procedures for electing the speaker and other officers, for determining the number of committees and the length of their tenure, and for regulating matters related to debates and disciplinary measures shall be defined by the internal regulations of the assembly.

Principle 53: Debates in the National Consultative Assembly must be public and a complete report of such debates must be published in the official newspaper. Secret meetings of the assembly may be held upon the request of the president, the prime minister, the speaker of the assembly or 10 deputies of the assembly with the participation of all or a specified number of the deputies. In the latter case, bills approved by the specified group shall be valid only when approved by the assembly.

Principle 54: Ministers may individually or collectively attend the meetings of the assembly. Should the assembly require the presence of a minister, he will be obliged to attend the meeting of the assembly, and should a minister request to be heard, his request will be accepted. Ministers may take their advisers with them to the meetings of the assembly.

#### Part II: Authority and Power

Principle 55: The National Consultative Assembly can legislate on all matters within the limits of its powers as prescribed by the constitution.

Principle 56: The position of deputy is entrusted to the individual and is not transferable to others. Each deputy is responsible to the entire nation. The assembly cannot delegate the authority to legislate to any individual or group. However, should it become necessary, it can delegate the authority to legislate certain laws to its own internal committees. In such cases, these laws shall be enacted on an experimental basis, but their final approval will be the function of the assembly.

Principle 57: The interpretation of ordinary laws is within the power of the National Consultative Assembly. However, this principle does not prevent judges from interpreting the law in fulfilling their responsibility to establish rights.

Principle 58: State buildings and property held to be national treasures are not transferable to others, unless approved by the National Consultative Assembly.

Principle 59: Any changes in the boundaries of the country are only possible when approved by three-quarters of the total number of the deputies of the National Consultative Assembly.

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Principle 60: Granting concessions for the creation of companies and public organizations, and the granting of commercial, industrial, agricultural and mineral monopoly rights by the government is forbidden, unless approved by the National Consultative Assembly.

Principle 61: International treaties and protocols, as well as other such agreements entered into by the government, must be approved by the National Consultative Assembly.

Principle 62: The employment of foreign technicians and advisers as required by the government must be approved by the National Consultative Assembly.

Principle 63: Granting and acquiring internal and external loans and grants by the government must be approved by the National Consultative Assembly.

Principle 64: Government bills will be presented to the National Consultative Assembly after they have been approved by the Council of Ministers. Bills prepared by members may be discussed in the National Consultative Assembly, provided they have been submitted by no less than 15 deputies.

Principle 65: Members' bills and proposals and amendments submitted by deputies with regard to government bills that would result in the reduction of public revenues or an increase in public expenditures may be debated in the National Consultative Assembly only when the means for offsetting the reduction in revenues or securing the extra funds for the expenditures in question has been specified.

Principle 66: The National Consultative Assembly cannot enact laws that are contrary to the indisputable principles of Islam and the constitution. In accordance with Principle 144, it is up to the Council of Guardians of the Constitution [shora-ye negahban-e qanun-e asasi'] to identify such cases.

Principle 67: The National Consultative Assembly has the right to examine and investigate all the affairs of the country.

Principle 68: It is forbidden to impose martial law, except during time of war or otherwise according to law.

Principle 69: Whenever a deputy submits a question to a responsible minister on a matter within the scope of the minister's responsibility, the minister is required to reply. The reply must not be delayed for more than 10 days, unless properly justified.

Principle 70: The government may be censured by the deputies. Censure motions may be presented only when signed by at least 10 deputies. A reply to the censure motion must be given by the government or the responsible minister within 10 days of its submission. After hearing the government's reply, the assembly shall hold a vote of confidence or no confidence in the government. If a vote of no confidence is returned, the government is dissolved and the prime minister and the censured minister cannot become members of the new cabinet.

Principle 71: Deputies cannot be arrested or prosecuted for the views they have expressed in the assembly or the votes they have cast in the performance of their duties as deputies. However, if a deputy commits a witnessed misdemeanor or crime, he can be immediately prosecuted and the assembly must be informed of the proceedings of the prosecution. However, if a deputy is accused of an unwitnessed offense, then prosecution can only take place if the deputy is stripped of his immunity.

Principle 73: When the Council of Ministers is formed, before it takes any measures, it must receive a vote of confidence from the assembly. During its term of office, the government may seek a vote of confidence from the assembly when dealing with important or controversial matters.

Principle 74: Whoever has a complaint concerning the administration of the country, legislative procedure or judicial policy, he can submit his complaint to the National Consultative Assembly. If the complaint pertains to the assembly, then he must receive an appropriate reply from the assembly. If the complaint concerns the government or judicial policy, it shall be forwarded to the responsible ministry for investigation.

### Part III: Regional Councils

Principle 74: In order to provide for public welfare and progress in health and education, as well as in the cultural and economic spheres, in the most expeditious way possible, and while observing local circumstances and seeking the cooperation of local citizens in the realization of these objectives, the administration of each village, district, town, city or province shall be under the supervision of a respective village, district, town, city or provincial council, whose members will be locally elected. The scope of their authority and operation, as well as the supervision of the aforementioned councils, including their hierarchy, whose functions must be based on the observance of the principles of national unity, territorial integrity and submission to the central government, shall be defined by law.

### Chapter VII: Executive Power

#### Part I: The Presidency

Principle 75: The office of president is the highest official post in the country in both domestic and international affairs. It is also the highest post with regard to the implementation of the Constitution. The president, in addition to serving as the head of the executive branch, is entrusted with the task of regulating the three branches of government.

Principle 76: The president must be a Muslim of Iranian descent and he must be an Iranian citizen.

Principle 77: The president shall be elected for a term of 4 years by the direct vote of the people. The president can be reelected only for one additional term.

Principle 78: Candidates for the office of president must officially announce their candidacy. The procedure for the election of the president shall be prescribed by law.

Principle 79: The president shall be elected by an absolute majority. However, if in the first round of voting none of the candidates receives an absolute majority, then on the Friday of the following week there will be a second round of voting. In the second round, only the two candidates with the highest number of votes in the first round may take part. However, if one or both of the candidates who received the highest number of votes in the first round withdraw their candidacy, then the two remaining candidates with the highest number of votes shall take part in the elections. [paragraph continues]



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The Council of the Guardians of the Constitution will supervise the elections and declare the results. In the first round of presidential elections a Supreme Supervisory Council [shori 'ali moraghe bin], which shall be organized in accordance with future regulations, shall supervise the elections.

Principle 80: The election of the new president must take place at least a month prior to the end of the term of the outgoing president. During the interim period before the new president takes office, the outgoing president shall carry out the duties of the president.

Principle 81: Should one of the candidates in a presidential election die within 10 days of election day, the election shall be postponed for 2 weeks. Accordingly, if between the first and second rounds of an election one of the two candidates with the highest number of votes should die, the elections shall again be postponed.

Principle 82: The president shall take the following oath of office in the National Consultative Assembly during a meeting attended by the chief of the Supreme Court and the members of the Council of the Guardians of the Constitution:

"I, as president, swear before Almighty God and the holy Koran to safeguard the constitution and the official religion of the country, and to devote my whole being, talents and abilities to the service of the people and to work for the advancement of the country and the enhancement of morality. I swear to support truth and justice; to protect the freedom and sanctity of individuals; to safeguard the rights prescribed in the constitution for the nation; and not to spare any effort in protecting the borders of the country and in maintaining the political, economic and cultural independence of the country. And I swear, with the help of God and by adhering to the Prophet and the holy imams, faithfully to safeguard the power entrusted to me as a sacred trust by the nation and to hand it over to the person elected by the people at the end of my term of office, and to avoid any unbridled use of power."

Principle 83: It is the function of the president to sign the laws of the land however, the president's refusal to sign laws during the period provided for this act, except in those cases clearly specified in the constitution, cannot stop or delay the implementation of the laws after the required period. The period of signing a law is 10 days from the date of its communication to the prime minister.

Principle 84: The president has the right, during the period prescribed for the signing of a law, to return to the National Consultative Assembly any bill that he views as contrary to the constitution or to the indisputable principles of religious law along with his reasons for refusing to sign the law. If the assembly passes the law after a second reading, the president must sign it within the prescribed period. However, if the president still views the law as contrary to the constitution or to indisputable principles of religious law, he shall notify the Council of the Guardians of the Constitution.

Principle 85: On matters of fiscal policy, if the president considers the execution of a law to be unadvisable, he may ask the assembly to reconsider it upon giving his reasons for making this request. However, once it has been passed again by the assembly the president must sign it. The request for reconsideration must be made before the end of the period required and designated for its signing.

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Principle 86: In cases where the president makes the approval of a treaty or a bill subject to a referendum, the period required for signing the law shall commence from the date when the result of the referendum is declared by the Council of the Guardians of the Constitution.

Principle 87: The president shall appoint the prime minister.

Principle 88: The president is accountable to the nation for his actions within the sphere of his authority.

Principle 89: Should any difference of views emerge between the executive branch and the National Consultative Assembly, and if they fail to achieve a reconciliation, then the president can dissolve the assembly through a referendum. Once the assembly has been dissolved in this manner, immediate steps must be taken to hold new elections for the assembly, and, within a maximum of 6 weeks from the date of the dissolution of the assembly, the new assembly must start its session. The president can apply this right only once during each term of office.

Principle 90: General amnesty is within the scope of authority of the president after receiving the approval of the assembly. The president may also reduce the sentences of convicted individuals within the framework of the law.

Principle 91: The president has the authority to award official titles and medals.

Principle 92: It is the responsibility of the president to sign the credentials of ambassadors to other countries and to receive the credentials of foreign ambassadors.

Principle 93: The president is the commander in chief of the armed forces. The chief of general staff of the Islamic Republican Army shall be nominated by the Council of Ministers and approved by the president.

Principle 94: The president, or his legal representative, shall sign treaties between the Iranian Government and other governments. This also applies to treaties concerning international alliances, all of which must be approved by the National Consultative Assembly.

Principle 95: It is the responsibility of the president to declare war, or to proclaim a cease-fire or truce after receiving the approval of the national consultative assembly, except in cases of emergency when the president shall reach a decision after consulting with the council of ministers.

Principle 96: If necessary, the president may inform the deputies of his views in the form of a message read in the assembly by the prime minister. This message is not to be the subject of a debate.

Principle 97: In cases when the president is absent or indisposed, a council called the Provisional Presidential Council, to be composed of the prime minister, the speaker of the National Consultative Assembly and the chief of the Supreme Court, shall take over the president's duties, providing such absence or indisposition does not exceed 2 months.

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Principle 98: Should the president die, resign, remain indisposed for a long period or become unable to carry out his duties due to other causes, then, with the exception of his authority to request the assembly to reconsider bills it has already passed, and also his authority to call a referendum, all the president's duties and authority shall be delegated to the Provisional Presidential Council. The council shall then take steps to insure that the election of a new president takes place in a period of 1 month to 50 days after it assumes power.

Principle 99: During the period when the duties of the president are being carried out by the Provisional Presidential Council, the government cannot be subjected to a censure motion or be given a vote of no confidence. Nor can issues pertaining to a review of the constitution be raised during this period.

Principle 100: Should the president consider it necessary, the regular meeting of the Council of Ministers may be held in his presence and under his chairmanship.

Principle 101: Government decrees and regulations shall be communicated to the president after approval by the council of ministers. Should the president find such decrees and regulations contrary to the laws of the land, he may then return them to the Council of Ministers for reconsideration.

Principle 102: If the president is accused of treason or of plotting against the security of the country, the National Consultative Assembly must investigate the charges. If three-quarters of all the deputies vote for his prosecution, then the general body of the Supreme Court shall investigate the charges and determine the punishment in accordance with the ordinary laws. The president, after the assembly votes in favor of prosecution, and until the final verdict is issued, shall be suspended from his post and the Provisional Presidential Council will assume his duties.

#### Part II: The Council of Ministers

Principle 103: Cabinet ministers shall be nominated by the prime minister and approved by the president. They shall then be introduced to the assembly for a vote of confidence. The Council of Ministers is responsible for running the affairs of the country. It is also responsible for the executive matters of all civil and military departments. The number of cabinet ministers as well as the scope of their competence shall be determined by law.

Principle 104: The prime minister is the head of the Council of Ministers. He shall supervise their operation, and, by taking the necessary measures, shall coordinate government decisions. In conjunction with the other cabinet ministers he shall determine government policies and secure the administration of the laws of the land. The prime minister is accountable to the assembly for measures taken by the ministers.

Principle 105: The prime minister shall remain in his post as long as he enjoys the confidence of the assembly. The government must submit its resignation to the president, but it shall continue in office until a new government is appointed.

Principle 106: No one can become prime minister or a cabinet minister unless he is a Muslim of Iranian descent and citizenship.

Principle 107: The Council of Ministers is accountable to the National Consultative Assembly and shall continue to carry out its duties as long as its work enjoys the confidence of the assembly.

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Principle 108: The prime minister may dismiss a minister with the approval of the president and replace him with another minister. However, should half of the members of the Council of Ministers be changed after the assembly expresses its confidence in the government, then the government must once again seek a vote of confidence from the assembly.

Principle 109: Each cabinet minister is accountable to the assembly for his own area of responsibility. However, with regard to issues approved by the Council of Ministers as a whole, he is also responsible for measures taken by the others as well.

Principle 110: In addition to instances when the Council of Ministers or a minister is assigned to formulate regulations for the execution of the laws of the land, the Council of Ministers is entitled to issue regulations, decrees and provisions for administrative matters and for the purpose of insuring the administration of laws and arranging administrative organizations. However, the text of these regulations must not be in contravention of the text and spirit of the national laws. Each cabinet minister also has the right to make regulations and issue notices within the scope of his duties and the decrees issued by the Council of Ministers.

Principle 111: The settlement of claims involving public and private property, as well as the referral of such claims to arbitration, is subject to the approval of the Council of Ministers in each instance.

Principle 112: Should the prime minister or other ministers be accused of treason or or plotting against the security of the country, their charges shall be investigated in the National Consultative Assembly, and once the majority of deputies in the assembly votes accordingly, then the general body of the Supreme Court shall prosecute the case. The punishment for such offences is subject to the public law.

Principle 113: The investigation of charges brought against the president, the prime minister or ministers in connection with public offences shall take place in public courts, following the approval of the National Consultative Assembly.

### Part III: Fiscal Affairs

Principle 114: No taxes shall be levied, unless the law provides specific instances of exemption from and the reduction of said taxes.

Principle 115: The tax system must be just and popular. It must be established in such a manner that anyone who derives greater benefit from natural gifts must assume the burden of heavier public contribution.

Principle 116: The national general budget shall be prepared by the government, as determined by law, and submitted to the National Consultative Assembly for approval. Any alteration in the figures contained in the budget shall also be subject to the law.

Principle 117: All revenues received by the government shall be transferred into the accounts of the treasury department and all disbursements shall be within the approved allocations, in accordance with the law.

Principle 118: The National Court of Accounts, as well as its organization and operations in Tehran and provincial capitals, shall be established and determined by law.

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Principle 119: An adequate number of advisers to the Court of Accounts shall be appointed by the National Consultative Assembly, as stipulated by law.

Principle 120: The Court of Accounts shall inspect and audit all the accounts of ministries, government organizations and companies as well as other organizations which in one way or another benefit from the country's general budget, as stipulated by law. It shall insure and see to it that no expenditure shall exceed the approved allocations and that every allocation is used for the purpose specified. The court shall collect the various accounts, documents and papers, according to law, and shall submit to the National Consultative Assembly a budget settlement for each year, together with its own views.

#### Part IV: The Army

Principle 121: The Iranian Islamic Republic Army shall be responsible for safeguarding the country's independence and territorial integrity.

Principle 122: No foreign officer or soldier shall be accepted to serve in the Iranian Army. Passage through or stationing of foreign military forces in the country can only take place when the country's interests are taken into account and when it is recognized as such and approved by a vote of three-quarters of all deputies.

Principle 123: Military expenditures shall be approved annually by the National Consultative Assembly. Expenditures for purchase of arms must be clearly specified and the need for such purchases justified.

Principle 124: Establishing any foreign military base in Iran, even for peaceful uses, is forbidden.

Principle 125: Promotion and demotion of army officers shall take place in accordance with the law.

#### Chapter VIII: Judicial Power

Principle 126: Courts of justice are the official sources for public grievances. Establishment of courts and their competence are subject to the rule of law; no person can establish any court on any grounds.

Principle 127: The judicial branch is independent; the president is the guarantor of this independence. The Supreme Judicial Council shall provide the conditions for such independence within the scope of Principle 138 of this constitution and shall cooperate with the president to maintain this independence.

Principle 128: Setting up special courts is forbidden, except where specified in the present law. However, it is possible for some branches of public courts to deal with specific types of complaints.

Principle 129: In order to supervise the proper administration of laws by courts and create judicial cohesion, the Supreme Court may hold a meeting.

Principle 130: Judges cannot be dismissed from the position they occupy, either temporarily or permanently, without trial and proof of their offense; nor can they be transferred from their post and place of work without their consent. Change of post and location of inspectors can only take place after the approval of Supreme Judicial Council.

Principle 131: Courts must issue their verdicts for each case in light of laws and other legal sources. No court can issue a general verdict and thus set any precedent.

Principle 132: Verdicts issued by courts must be well-documented and embody legal and fundamental articles and be based on them. Violation of this principle shall result in reversal of a verdict by the Supreme Court.

Principle 133: Trials shall be held in public, unless it is recognized by the court that public trials are contrary to public decency.

Principle 134: Investigation of political and press offenses shall take place in judicial courts and before juries.

Principle 135: A judge is required to issue the ruling for each complaint in the laws; he cannot refuse to issue a verdict under the pretext of silence, deficiency, brevity and contradiction of the law.

Principle 136: Where a judge is unable to find the necessary ruling based on laws, he must issue his verdict while being inspired by religious law, common law, specified traditions and whatever justice and public interest dictate.

Principle 137: Judges are required to refrain from approving decrees, regulations and provisions issued by the government if they are contrary to the laws or outside the duties of the executive branch. Any interested party may demand the cancellation of these regulations from the government council [shora-ye dowlati].

Principle 138: For the investigation of offenses involving military affairs, military tribunals shall be set up according to law. Common offenses committed by military personnel, and also all offenses committed by the officers, employees and personnel of the police and gendarmerie will be investigated in common courts.

Principle 139: The Supreme Judicial Council will be in charge of all matters pertaining to the administration of the judiciary, including the employment, appointment and dismissal of judges, as well as changing their place of service, the classification of their grades, their promotion and other related matters. This council will consist of:

1. Three of the advisers or heads of the branches of the Supreme Court chosen by the Supreme Court;
2. Six judges who have a minimum of 10 years' judicial service as defined by law;
3. The chief of the Supreme Court, who will also act as chairman of the council; and
4. The national public prosecutor.

The elected members of the council will be elected for a 5-year term. The procedure for distributing work among the members of the council and its internal organization shall be defined by law.

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Principle 140: The letters appointing the chief of the Supreme Court, the heads of the branches of and the advisers to the Supreme Court and the national public prosecutor shall be signed by the president. Other letters of appointment shall be signed by the minister of justice.

#### Chapter IX: The Administrative Court of Justice

Principle 141: In order to investigate the complaints, grievances and protests of the people against government officials, departments or regulations, a special court called the administrative court of justice shall be created. The scope, rights and manner of its operation will be defined by law, bearing in mind the principle of the independence of the judicial branch.

#### Chapter X: Council of the Guardians of the Constitution

Principle 142: In order to safeguard the constitution and to insure the conformity of ordinary laws and legislation with it, the Council of Guardians of the Constitution shall be formed.

This council shall be composed of:

1. Five leading theologians [mojtahedan dar masa'el-e shar'i] who are also aware of the demands of the time. The National Consultative Assembly shall elect these five from a list of theologians submitted by the highest established religious authorities [mareje'-e ma'ruf-e taqlid]; and
2. Six experts in legal matters: Three from Iranian faculties of law and three from among the judges of the Supreme Court. Both groups will be chosen by the National Consultative Assembly.

Principle 143: These individuals will be elected for a term of 10 years. However, in the first term, after 5 years, two persons from each group will be changed by casting lots. The reelection of a member is not possible. The head of the council will be chosen by its members.

Principle 144: The Council of the Guardians of the Constitution shall have the right to investigate laws at the request of one of the highest established religious authorities [maraje'-e ma'ruf-e taqlid], the president, the chief of the Supreme Court or the national public prosecutor, provided that not more than 1 month has elapsed since the law was signed by the president.

Principle 145: In those cases where the council finds a law to be contrary to indisputable religious principles [osul-e mosallam-e shar'i] or to the principles of the constitution, the council shall return that law to the assembly, stating the reasons for their objection. The assembly shall then review that law, bearing in mind the council's objections.

Principle 146: The decisions of the Council of the Guardians of the Constitution shall be valid when approved by two-thirds of its members.

Principle 147: The Council of the Guardians of the Constitution shall also supervise the election of presidents and the holding of referendums. A request to hold a referendum shall be made by the president or by two-thirds of the members of the National Consultative Assembly and submitted to the Council of the Guardians of the Constitution for implementation.

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## Chapter XI

Principle 148: If a majority of the deputies of the National Consultative Assembly, or the president, as requested by the Council of Ministers, deems it necessary to review one or more of the principles of the constitution, a bill must be submitted to the National Consultative Assembly, either by the government or by the deputies. After the bill is approved by three-quarters of the deputies, it must be approved by the nation through a referendum. The principle of the Islamic character of the national government shall not be subject to review.

Principle 149: No one can hold more than one of the following posts and the acceptance of another designated post is tantamount to resignation from the previous post:

President, prime minister, deputy prime minister, minister, acting minister, deputy minister, governor general, governor, national assembly deputy, deputy in assembly [word indistinct] constitution, member of the Supreme Judicial Council. The only exception applies to the prime minister who may also assume the portfolio of a particular ministry in addition to his duties as prime minister.

Principle 150: The holding of any of the posts referred to in the previous principle prohibits the acceptance of a judicial or prosecuting position (except in cases of the participation of judges in the Council of the Guardians of the Constitution or the Supreme Judicial Council), any administrative responsibility, any position in institutions whose capital belongs either entirely or partially to the government or a public institution, as well as membership on the boards of directors of various types of private companies, legal firms or legal consultants. Teaching positions in universities and scientific organizations are exempted from these regulations.

Principle 151: The freedom of public media regulated by the government to disseminate information must be guaranteed. The public media will be run under the supervision of the three powers, as defined by law.

## Khomeyni Discusses Constitution

JN212036 Tehran International Service in Arabic 1745 GMT 21 Jun 79 JN

[Text] A delegation of the preachers and religious scientists of Khorasan Province met yesterday with the leader of the Iranian Islamic revolution, Ayatollah Khomeyni. His eminence made a speech to the delegation in which he said: In the of God, the merciful, the compassionate, the most important issue at present is the completion of the draft constitution and its presentation to the public. Now [words indistinct] I call on the religious men and the intellectuals of the Muslims to discuss this constitution with an Islamic view.

Khomeyni said: You have before you one [word indistinct] from your viewpoints and whatever thoughts come to your mind that are beneficial to Islam and commensurate with the Islamic Republic--thoughts that might not be included in the constitution. Write in the papers whatever opinions come to your minds. Do not keep silent and let others, from among your enemies, write articles and raise issues that might, God forbid, be against Islam and Islamic principles. We are all entrusted to achieve completion of this constitution and we have the right to express our opinions--especially the Islamic religious scientists, who have a greater right to express their opinions than others.



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The other most important issue is that of choosing the people who will express their views and opinions. They will number 75 persons. They must study and discuss this Islamic constitution in light of the views and points raised by everyone, after which these views must be put before a referendum.

The imam said: We do not want to discuss a Western or Eastern kind of constitution, but the constitution of the Islamic Republic. Those persons who will be elected to conduct that study from among the religious leaders and the [word indistinct] authorities must be popular, must love Islam and must know what Islam is.

#### Khaqani on Revolution, Constitution

LD211940 Tehran Domestic Service in Persian 1630 GMT 21 Jun 79 LD

[Text] In a statement issued today the council guaranteeing security in Khorramshahr said: In view of the problems and needs of the region, an effort is being made to finalize and apply stringently the contents of the agreement reached by Vice Admiral Madani and by Shaykh Mohammad Taher al-Shobeyr Khaqani so that the existing spirit of understanding may continue. Emphasizing the definite implementation of the contents of the agreement, the council also called on all the dear Khorramshahr citizens, who have so far proved their fundamental and effective role in realizing the goals of the revolution, to continue to assist and succor the government in carrying out its construction and development plans.

According to a PARS dispatch from Ahvaz, Shaykh Mohammad Taher al-Shobeyr Khaqani, in an interview with a special correspondent from the Kuwaiti paper AL-ANBA', discussed the special characteristics of the Iranian Islamic revolution and said: This revolution--which is firmly based on monotheism, justice and the systems of human society--enjoys certain characteristics which have been and are matchless in any revolution in the world from the standpoint of its comprehensive nature. In another part of his interview with AL-ANBA' he spoke about the constitution and the constituent assembly, saying: Should the 75 persons who are to approve the constitution on behalf of the nation have sufficient powers and have no special political inclinations, then the issue seems lawful.

#### AYANDEGAN: Protests Against Constitution

LD220851 Tehran AYANDEGAN in Persian 20 Jun 79 pp 1-2 LD

[Unnamed correspondent report on Moftizadeh protest telegram to Ayatollah Khomeyni: "Article 13 of the Draft Constitution"]

[Excerpts] Sanandaj--In a telegram to Imam Khomeyni Allameh Moftizadeh protested Article 13 of the draft constitution, and described the approval of this article as setting the followers of Shi'ism and Sunnism against each other. The text of the telegram reads as follows:

Qom--In the name of God the merciful, the compassionate.

There have been discussions between us, both directly and through intermediaries, on the problems of Iran, both when you were resident in Najaf and after your return to Iran. One of the constant fundamental points in these discussions was that Shi'ism and Sunnism should enjoy equality in legislation, matters concerning the executive, and in its official status, and that there should be no discrimination or distinction made between these two sects. [paragraph continues]